

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

OAKLAND UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011050543

ORDER TO SHOW CAUSE WHY
SANCTIONS SHOULD NOT BE
IMPOSED

The parties successfully mediated a settlement of this matter on June 8, 2011. The Office of Administrative Hearings (OAH) conducted a status conference on July 6, 2011, a date the parties agreed upon. The parties indicated that they needed additional time to resolve this matter. OAH sent the parties notice of another status conference on August 10, 2011. Stephen Rosenbaum, attorney for Student, appeared at the telephonic status conference. John Rusk, representative for District, did not appear.

If the parent and local education agency have not resolved the due process complaint within 30 days of the receipt of the complaint, OAH is required to issue a decision within the next 45 days, unless a continuance is granted for good cause. (20 U.S.C. § 1415(f)(1)(B)(ii); 34 C.F.R. § 300.51; Ed. Code, § 56502, subd. (f).)

Here, the parties have not diligently pursued this matter and District did not appear at the status conference. Student's counsel has not filed a notice of withdrawal or dismissal. Given the lengthy delay in this matter, the parties are ordered to take whatever action is necessary so that Student can file a notice of withdrawal or dismissal, or to show cause in writing no later than August 16, 2011, at 5:00 p.m. as to why this matter should not be dismissed. The parties are also ordered to appear at a telephonic status conference on August 17, 2011, at 10:00 a.m., unless prior to that time Student has filed a notice of withdrawal or dismissal with OAH.

It is so ordered.

Dated: August 10, 2011

/s/

JUDITH A. KOPEC
Division Presiding Administrative Law Judge
Office of Administrative Hearings

